

EXHIBIT K

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|------------------------|---|----------------------------|
| JAMES HAYDEN, |) | |
| |) | CASE NO. 1:17-cv-02635-CAB |
| Plaintiff, |) | |
| |) | JUDGE CHRISTOPHER A. BOYKO |
| v. |) | |
| |) | |
| 2K GAMES, INC. et al., |) | |
| |) | |
| Defendants. |) | |

PLAINTIFF’S SECOND SET OF INTERROGATORIES TO 2K GAMES, INC. (3–15)

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff James Hayden (“Hayden”) propounds the following Interrogatories on Defendant 2K Games, Inc. (“2K Games”) to be answered separately, under oath, within thirty (30) days after service. These Interrogatories are governed by the following Definitions and Instructions:

DEFINITIONS AND INSTRUCTIONS

Hayden incorporates his “Definitions” and “Instructions” from Plaintiff’s First Set of Interrogatories to 2K Games, served on May 2, 2019, as if fully set forth below. In addition, the following terms shall have the following meanings:

1. **NBA Players’ Tattoos** means the tattoos at issue inked on LeBron James, Danny Green, and Tristan Thompson.

INTERROGATORIES

INTERROGATORY NO. 3

Identify all third parties who participated in creating the avatars in the Accused Games and describe how they participated.

INTERROGATORY NO. 4

Identify the three 2K or Take-Two employees with the most knowledge regarding the creation and depiction of the tattoos on the avatars in the Accused Games and describe each of their roles.

INTERROGATORY NO. 5

For each of the NBA Players' Tattoos on LeBron James, describe any visual differences that you contend exist between the sketches of these tattoos, copies of which appear in ¶¶ 38, 45, and 52 of the Third Amended Complaint (ECF No. 25), and these tattoos as they appear on LeBron James in real life.

INTERROGATORY NO. 6

Describe any visual differences that you contend exist between the "Gloria Design" shown in ¶ 38 of the Third Amended Complaint (ECF No. 25) and the tattoo that is depicted on the right shoulder of the LeBron James avatar in each of the Accused Games.

INTERROGATORY NO. 7

Describe any visual differences that you contend exist between the "Lion Design" shown in ¶ 45 of the Third Amended Complaint (ECF No. 25) and the tattoo that is depicted on the chest of the LeBron James avatar in each of the Accused Games.

INTERROGATORY NO. 8

Describe any visual differences that you contend exist between the "Shoulder Stars Design" shown in ¶ 52 of the Third Amended Complaint (ECF No. 25) and the tattoo that is depicted on the left shoulder of the LeBron James avatar in each of the Accused Games.

INTERROGATORY NO. 9

Describe any visual differences that you contend exist between the “Fire Design” shown in ¶ 59 of the Third Amended Complaint (ECF No. 25) and the tattoo that is depicted on the left shoulder of the Danny Green avatar in each of the Accused Games.

INTERROGATORY NO. 10

Describe any visual differences that you contend exist between the “Scroll Design” shown in ¶ 66 of the Third Amended Complaint (ECF No. 25) and the tattoo that is depicted on the inner right bicep of the Danny Green avatar in each of the Accused Games.

INTERROGATORY NO. 11

Describe any visual differences that you contend exist between the “Brother’s Keeper Design” shown in ¶ 73 of the Third Amended Complaint (ECF No. 25) and the tattoo that is depicted on the chest of the Tristan Thompson avatar in each of the Accused Games.

INTERROGATORY NO. 12

Describe any changes in 2K’s depiction of the NBA Players’ Tattoos that appear on the avatars in NBA 2K16 and 2K’s depiction of the NBA Players’ Tattoos that appear on the avatars in NBA 2K17, and identify any documents evidencing such changes and any individuals knowledgeable about such changes.

INTERROGATORY NO. 13

Describe any changes in 2K’s depiction of the NBA Players’ Tattoos that appear on the avatars in NBA 2K17 and 2K’s depiction of the NBA Players’ Tattoos that appear on the avatars in NBA 2K18, and identify any documents evidencing such changes and any individuals knowledgeable about such changes.

INTERROGATORY NO. 14

Describe any changes in 2K's depiction of the NBA Players' Tattoos that appear on the avatars in NBA 2K18 and 2K's depiction of the NBA Players' Tattoos that appear on the avatars in NBA 2K19, and identify any documents evidencing such changes and any individuals knowledgeable about such changes.

INTERROGATORY NO. 15

Describe the factual basis for 2K's statement in response to Hayden's RFA No. 95 that "Take-Two did not seek authorization from Hayden as Hayden already had authorized depiction in the manner that Take-Two depicted them" and identify any individuals knowledgeable about these facts or documents that concern these facts.

Dated: July 31, 2019

Respectfully submitted,

By: /s/ Andrew Alexander

Daniel McMullen (Ohio Bar No. 0034380)
Georgia E. Yanchar (Ohio Bar No. 0071458)
Andrew Alexander (Ohio Bar No. 0091167)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
E-mail: dmcullen@calfee.com
gyanchar@calfee.com
aalexander@calfee.com

Of Counsel

Kimberly A. Pinter (Ohio Bar No. 0084277)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
E-mail: kpinter@calfee.com

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2019, a copy of the foregoing was served via email to the following:

Dale M. Cendali (dale.cendali@kirkland.com)

David T. Movius (dmovius@mcdonaldhopkins.com)

Joshua L. Simmons (joshua.simmons@kirkland.com)

Matthew J. Cavanagh (mcavanagh@mcdonaldhopkins.com)

/s/ Andrew Alexander

One of the attorneys for Plaintiff